

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT

IN THE MATTER OF:

MELISSA ANN RICE

Chapter 7
Case No. 16-57092-mlo
Hon. Maria L. Oxholm

Debtor.

**STIPULATION TO ENTRY OF ORDER RESOLVING TRUSTEE’S OBJECTIONS TO
DEBTOR’S MOTION TO CONVERT CASE TO CHAPTER 13**

NOW COMES, Timothy J. Miller, Chapter 7 Trustee, and the Debtor, by and through their respective counsels, as set forth below, and hereby stipulate and agree to the entry of the proposed order attached hereto as Exhibit A.

Dated: July 28, 2017

/s/Anthony J. Miller

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IN THE MATTER OF:

MELISSA ANN RICE

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Debtor.

**ORDER RESOLVING TRUSTEE’S OBJECTIONS TO
DEBTOR’S MOTION TO CONVERT CASE TO CHAPTER 13**

This matter having come before the Court upon the stipulation of Timothy J. Miller, Chapter 7 Trustee, and the Debtor, by and through their respective counsels, as set forth in the Stipulation for Order Resolving Trustee’s Objections to Debtor’s Motion to Convert Case to Chapter 13 (“Stipulation”), which was filed with this Court on July 28, 2017; and this Court being fully advised in the premises,

IT IS HEREBY ORDERED that the Debtor’s Motion to Convert Case to Chapter 13 (docket no. 37) is granted, subject to the conditions stated in this Order, below.

IT IS FURTHER ORDERED that this case is converted to Chapter 13, effective immediately.

IT IS FURTHER ORDERED that, following conversion to Chapter 13, the Chapter 13 case will not be dismissed at any time. Rather, this case may only be converted back to Chapter 7.

IT IS FURTHER ORDERED that within 21 days of this Order, Debtor must file and serve a proposed Chapter 13 plan that fully satisfies and comports with the terms of this Order.

IT IS FURTHER ORDERED that this case shall be converted back to Chapter 7 if Debtor is unable to confirm a Chapter 13 plan that satisfies and comports with the terms of this order, or if Debtor is unable to fully perform such a Chapter 13 plan after it is confirmed.

IT IS FURTHER ORDERED that within 21 days of this Order, the Chapter 7 Trustee shall file an application for fees and expenses. Upon Court approval of the Chapter 7 Trustee's application, such fees and expenses shall be allowed as an administrative expense in the converted Chapter 13 case. Based on a hypothetical distribution to creditors in a Chapter 7 case, the Chapter 7 Trustee expects his requested fees to be in the amount of 3,200.00. Debtor waives any objection to the Chapter 7 Trustee's fees in this amount and waives any objection to the allowance of such fees as an administrative expense in the converted Chapter 13 case.

IT IS FURTHER ORDERED that within 21 days of this Order, the Chapter 7 Trustee's counsel shall file an application for fees and expenses. Upon Court approval, such fees and expenses shall be allowed as administrative expenses in the converted Chapter 13 case. Based upon the time expended in this matter through the date of filing of the Stipulation, the Chapter 7 Trustee's counsel expects the requested fees to be in the amount of at least \$8,500.00 and the requested expenses to be in the amount of at least \$200.00. Debtor waives any objection to the Chapter 7 Trustee's counsel's fees and expenses in this amount and waives any objection to the allowance of such fees and expenses as administrative expenses in the converted Chapter 13 case.

EXHIBIT A